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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,428	08/27/2003	Jean-Marc Vandoorne-Feys	BOCK/ 08	5175

26875 7590 11/30/2004

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EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT PAPER NUMBER

3749

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20040722

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Office Action Summary

Application No.

10/649,428

Applicant(s)

VANDOORNE-FEYS, JEAN-MARC

Examiner

Stephen Gravini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al. (US 5,899,005). Chen is considered to disclose the claimed dryer comprising:

a dryer, to dry linen and the like, with a drying drum **12**, drive means **44** to rotate the drying drum, means to create an air flow **38**, and a hot air flow and air conduction means to lead the air flow through the drying drum, wherein the air conduction means have been thus conceived that the air flow is mainly forced to enter the drying drum from an inlet **40**, before being discharged via an outlet **56**, whereby this air thereby is also forced to enter the drying drum via one or more air passage openings **36** which are located at the cylindrical casing part of the drying drum and/or at one axial end of the drying drum, but near the outer circumference thereof. Chen is also considered to disclose all air passage openings to bring air in the drum at column 2 lines 28-59, one zone that stretches as a band around the cylindrical casing part to form a band-like zone at column 3 lines 49-59, a rear half in figure 1, and diagonally opposite air conduction also shown in figure 1.

Response to Arguments

Applicant's arguments filed October 19, 2004 have been fully considered but they are not persuasive.

The first Office action on the merits clearly stated that claims 1-14 were rejected (please see form PTOL-326 attached as a cover sheet to the Office action). The first action contained a typographical error by omitting a "1" before the "4" in rejecting claims 1-14. Since the form PTOL-326 clearly stated that claims 1-14 are rejected and the rejection clearly addressed all features of claims 1-14, any typographical error ambiguities should have been raised prior to assuming that claims 5-14 are allowable over the prior art. Examiner included in that first Office action several methods to contact the examiner or supervisory personnel to avoid an incorrect assumption when all other Office action information clearly addresses all pending claims. However since claims 5-14 have all been amended to change the scope of the invention, this action is considered appropriate since the amended claims necessitated a new search and/or consideration.

anticipation

Current Office practice guides examination of application such that claims must be interpreted using the broadest reasonable definitions in light of the specification. Applicant argues that the drum of Chen does not use air passage openings that are located in the cylindrical part of the casing. The attempt to use a dictionary definition is not considered necessary to define imperforate because, as applicant correctly recognizes, the plurality of holes (reference character **36**) is associated with a inlet duct, blower fan, and outlet duct (again see column 2 lines 28-59), which is considered to anticipate the claimed "air passage openings that are located at the cylindrical casing part of the drying drum are located in one zone formed as a band around the cylindrical

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casing part." The claimed openings can be broadly and reasonably construed to be at the end zone of the drum disclosed in Chen. The features argued in claim 14 are likewise broadly and reasonable construed since it is considered the disclosed inlet duct anticipates the claimed first set air supply, the disclosed exhaust duct anticipates the second set air discharge, while the disclosed plurality of holes anticipates the claimed band-like set of air passage openings.

The assertion that claims 2-4 are patentable does not address the anticipatory rejection made above and therefore the rejection is maintained.

New claims 15-19 recite air passage openings located at one axial end of the drying drum near the outer circumference thereof which is disclosed in Chen (again see column 2 lines 28-59), since the disclosed openings are considered within the proximity of the claimed drying drum.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira S. Lazarus can be reached on 571 272 4877. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Smg
November 18, 2004

Stephen M. Gravini